

complete corrective program. Moreover, if the Administrator found a lack of good faith on the part of the District, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the District had come into compliance. In any case, if, six months after application of the first sanction, the District still had not submitted a corrective program that EPA found complete, a second sanction would be required.

If, following final interim approval, EPA were to disapprove the District's complete corrective program, EPA would be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the District had submitted a revised program and EPA had determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator found a lack of good faith on the part of the District, both sanctions under section 179(b) would apply after the expiration of the 18-month period until the Administrator determined that the District had come into compliance. In all cases, if, six months after EPA applied the first sanction, the District had not submitted a revised program that EPA had determined corrected the deficiencies that prompted disapproval, a second sanction would be required.

In addition, discretionary sanctions may be applied where warranted any time after the end of an interim approval period if the District has not timely submitted a complete corrective program or EPA has disapproved a submitted corrective program. Moreover, if EPA has not granted full approval to the District's program by the expiration of an interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the District upon interim approval expiration.

#### 4. Approval of Preconstruction Program for Section 112(g) Case-by-Case MACT Determinations

Clark County will be required to implement the Maximum Achievable Control Technology requirements of section 112(g) of the Act as a component of the part 70 program. The EPA is proposing to approve the District's preconstruction permitting program, found in section 12 of the District rules, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between the effective date of 112(g) and District adoption of

a 112(g) rule. EPA has published an interpretive notice in the **Federal Register** that interprets section 112(g) to allow State and local agencies to delay implementing 112(g) of the Act until EPA promulgates a final 112(g) rule. Alternatively, State and local agencies may implement the requirements of 112(g) prior to EPA promulgation of the 112(g) rule as a matter of State or local law. 60 FR 8333 (February 14, 1995) The notice also states that EPA is considering whether to further delay the effective date of section 112(g) beyond the date of promulgation of the Federal rule so as to allow State and local agencies time to adopt rules implementing the Federal rule. EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), the District must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing District regulations and may choose to implement section 112(g) sooner as a matter of local law.

For this reason, EPA is proposing to approve the District's preconstruction review program as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and District adoption of rules specifically designed to implement section 112(g). However, since approval is intended solely to confirm that State and local agencies have a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if EPA decides in the final section 112(g) rule that there will be no transition period. The EPA is proposing that twelve months will be adequate for the District to adopt implementing regulations but solicits comments on whether this timeframe will be adequate.

#### 5. Approval of Program for Straight Delegation of Section 112 Standards Under the Authority of Section 112(l) of the Act

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 General Provisions subpart A and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the District's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval under

section 112(l)(5) and 40 CFR 63.91 of the District's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

### III. Administrative Requirements

#### A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed full/interim approval. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed full/interim approval. The principal purposes of the docket are:

(1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval/disapproval process, and

(2) to serve as the record in case of judicial review. The EPA will consider any comments received by April 13, 1995.

#### B. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Part 70

Environmental Protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401, et seq.

Dated: February 25, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-6267 Filed 3-13-95; 8:45 am]

BILLING CODE 6560-50-P

# FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 2

[ET Docket No. 95-18; DA 95-426]

### Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of time.

**SUMMARY:** By this order, the Chief, Office of Engineering and Technology, extends the deadline for filing comments in response to the Notice of Proposed Rule Making in this proceeding on allocation of spectrum at 2 GHz for use by the Mobile-Satellite Service. This Order grants the petition of the American Mobile Satellite Corporation for an extension of the deadline for comments. The petitioner and commenters argue that preparations under way for the 1995 World Radiocommunications Conference and meetings being held among members of the Mobile-Satellite Service, broadcasting, microwave and private radio communities will produce information pertinent to this proceeding, and request the extension in order to integrate this information into their comments. Although Commission policy not to routinely grant petitions for extension of time, we agree that this information will allow us to make better informed decisions, and that the requested extension is in the public interest. We therefore find good cause has been shown for extension of the comment period, and order that the comment deadline in this proceeding is extended from March 9, 1995, to May 5, 1995; and that the reply comment deadline is extended from March 27, 1995, to June 6, 1995.

**DATES:** Comments are due May 5, 1995. Reply comments are due June 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Sean White, Office of Engineering and Technology, (202) 776-1624.

**SUPPLEMENTARY INFORMATION:** In the matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service.

[ET Docket No. 95-18 RM-7927]

### Order Granting Request to Defer Comment Dates

Adopted: March 3, 1995.  
Released: March 8, 1995.

By the Office of Engineering and Technology.

1. On February 22, 1995, the American Mobile Satellite Corporation (AMSC) petitioned the Commission to extend the pleading cycle for comments to the Notice of Proposed Rule Making in the above-captioned proceeding. ET Docket No. 95-18, FCC 95-39, released January 31, 1995 (60 FR 11644, March 2, 1995). AMSC requests an extension for comments from March 9, 1995 to May 5, 1995; and for reply comments from March 27, 1995 to June 6, 1995.

2. AMSC, one of the original petitioners in this proceeding, observes that preparations for the 1995 Worldwide Radiocommunications Conference (WRC-95) are well under way, and that many of the entities likely to comment in this proceeding are part of the Industry Advisory Committee to the WRC-95 Conference Preparation Meeting (CPM), to be held March 22-April 5, 1995, in Geneva. The CPM will consider, *inter alia*, technical studies pertaining to sharing of the 2 GHz band between mobile-satellite and terrestrial users.<sup>1</sup> In supporting comments, COMSAT Corporation (COMSAT) states that meetings are currently ongoing between the mobile-satellite community and the broadcasting and microwave communities to evaluate the possibility of satellite-terrestrial sharing in this band and to consider issues relating to a possible relocation of current broadcast and microwave licensees in the band. COMSAT will use data developed in this process to conduct computer simulations of potential mutual interference between Mobile-Satellite Service (MSS) and terrestrial users.<sup>2</sup> AMSC and COMSAT also point out that the staffs of many entities likely to comment in this proceeding are intensely preparing for WRC-95 and other international meetings, including drafting reply comments to the Commission's Notice of Inquiry in preparation for WRC-95, IC Docket No. 94-31, FCC 95-36, 60 FR 8994, February 16, 1995.<sup>3</sup> AMSC argues that extending the comment and reply comment periods will allow commenters to gather more information and take more time and care in preparing complete and precise comments, which will provide us with more complete information upon which to base our decisions in this proceeding. In addition to COMSAT, TRW Inc. and Motorola Satellite Communications, Inc. filed comments in support of AMSC's

petition.<sup>4</sup> The National Association of Broadcasters has stated that it has no objection to extending the comment periods.<sup>5</sup>

3. Celsat, Inc. (Celsat), another petitioner in this proceeding, opposes AMSC's petition for extension of time. Celsat argues that most of the frequencies at issue in this proceeding were allocated for MSS use at the 1992 World Administrative Radio Conference, and it is therefore unnecessary to wait for WRC-95 or its preparatory meetings to make this allocation. Further, adds Celsat, the WRC-95 CPM will primarily involve technical, regulatory and procedural constraints associated with additional MSS allocations in the 1-3 GHz bands, and this allocation is not an issue at that meeting.<sup>6</sup> Celsat also contends that the meetings between the MSS community and broadcasting and microwave licensees are preliminary in nature, and provide no basis for delaying this proceeding.<sup>7</sup> Celsat argues that we have recognized that it is in the public interest to expeditiously implement and license MSS, and we should therefore not delay this proceeding.<sup>8</sup>

4. Although the Commission does not routinely grant extensions of time,<sup>9</sup> we agree with AMSC and supporting commenters that the public interest would be better served if we permit additional time for submitting comments in this proceeding. Not only would an extension provide additional time for gathering and evaluating data on MSS-terrestrial sharing in the proposed allocation, but meetings between the MSS community and the incumbents of the candidate band will be helpful in establishing a sharing and relocation regime acceptable to all affected parties. We find that comments informed by the results of WRC-95 preparations and industry consultation will allow the Commission to make better decisions than would be possible without this information. The two-month delay in this proceeding is justified by the quantity and quality of information we will have as a result. On balance, we find that the public interest would best be served by granting the

<sup>4</sup> Letter from N. Leventhal, Leventhal, Senter & Lerman to W. Caton, Federal Communications Commission, February 27, 1995; Motorola, Comments in Support of Motion for Extension of Time (February 27, 1995).

<sup>5</sup> See National Association of Broadcasters *et al.*, No Opposition to Motion for Extension of Time, ET Docket No. 95-18 (February 28, 1995).

<sup>6</sup> See Celsat, Inc., Opposition to Motion for Extension of Time, ET Docket No. 95-18 at 3-4 (February 27, 1995).

<sup>7</sup> See *Id.* at 4.

<sup>8</sup> See *Id.* at 4-5.

<sup>9</sup> See 47 CFR 1.46(a).

<sup>1</sup> See AMSC, Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 22, 1995).

<sup>2</sup> See COMSAT, Comments on Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 27, 1995).

<sup>3</sup> See AMSC Motion at 2, COMSAT Comments at 2.

extension. Accordingly, for good cause shown, *it is ordered* That the date for filing comments in this matter is extended to May 5, 1995, and the date for filing reply comments is extended to June 6, 1995.

5. This action is taken pursuant to authority found in Sections 4 (i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303; and pursuant to Sections 0.31 and 1.46 of the Commission's Rules, 47 CFR 0.31, 1.46. For further information contact Sean White, Office of Engineering and Technology, (202) 776-1624.

Federal Communications Commission.

**Bruce A. Franca,**

*Deputy Chief, Office of Engineering and Technology.*

[FR Doc. 95-6215 Filed 3-13-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 95-13, Notice 01]

RIN 2127-AF28

#### Federal Motor Vehicle Safety Standards; Glazing Materials

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition for rulemaking; notice of proposed rulemaking (NPRM).

**SUMMARY:** NHTSA proposes to permit the installation of a new item of motor vehicle glazing, Item 4A—Rigid Plastic for Use in Side Windows Rearward of the "C" Pillar, in hatchbacks and station wagons. This NPRM responds to a petition for rulemaking from General Motors. In issuing this proposal, the agency seeks to provide greater flexibility for manufacturers to develop and use more aerodynamic, lighter weight glazing designs, resulting in lower fuel consumption.

**DATES:** Comments must be received on or before May 15, 1995.

**ADDRESSES:** All comments must refer to the docket number and notice number of this notice and be submitted, preferably in ten copies, to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 am to 4 pm, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margaret Gill, Office of Vehicle Safety

Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gill's telephone number is: (202) 366-6651.

#### SUPPLEMENTARY INFORMATION:

##### Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials (49 CFR 571.205), specifies performance requirements for the types of glazing that may be installed in motor vehicles. It also specifies the vehicle locations in which the various types of glazing may be installed. The standard incorporates, by reference, American National Standards Institute (ANSI) Standard Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," as amended through 1980 (Z26). The requirements in ANSI Z26.1 are specified in terms of performance tests that the various types or "items" of glazing must pass. There are 20 "items" of glazing for which requirements are currently specified in Standard No. 205.

To ensure the safety performance of vehicle glazing, Standard No. 205 includes a total of 31 specific tests. Each item of glazing is subjected to a selected group of these tests. It is the particular combination of tests that dictates the requisite properties of a particular item of glazing, and where in a motor vehicle the glazing may be installed.

Rigid plastic materials, such as those referenced in this rulemaking, are considered to be Items 4 and 5 glazing. Since they are more susceptible to abrasion than glass, these materials are currently not permitted to be installed in those areas requisite for driving visibility. All windows in a passenger car are considered requisite for driving visibility. Therefore, Items 4 and 5 glazing may not be used in those windows. Instead, they may be used for such things as internal partitions and covers for openings in the car roof. More extensive use is permitted in trucks (e.g., pickup trucks and cargo vans) since they do not have designated seating positions rearward of the driver's position. In those vehicles, Items 4 and 5 may be used in windows to the rear of the driver if other means for affording visibility are provided.

##### GM Petition

By letter dated December 15, 1993, General Motors (GM) petitioned the agency to amend Standard No. 205 to relax the limitations on the installation of Items 4 and 5 rigid plastic glazing so that they can be installed in the side windows of station wagons and

hatchbacks to the rear of all designated seating positions. GM subsequently amended its petition, limiting it to Item 4 glazing. (Item 4 glazing is required to transmit at least 70 percent of the light striking it; Item 5 glazing has no such requirement.) GM suggested further that Item 4 glazing be used in only those station wagons and hatchbacks that provide means (e.g., exterior passenger-side mirrors) of affording visibility of the highway to the side and rear of the vehicle. The limitation of the installation to locations rearward of any designated seating position and to vehicles with exterior passenger side rearview mirrors was intended to address agency concerns that led to the denial of an earlier, somewhat similar petition by the American Automobile Manufacturers' Association (AAMA) (April 6, 1993; 58 FR 17787). AAMA's petition is discussed in detail later in this notice.

In support of its petition, GM stated that the potential benefits of permitting plastic glazing in side windows would be reduced mass and greater design flexibility. GM asserted that the weight of plastics used in automotive glazing is about half that of tempered glass of the same thickness. GM further asserted plastics, while retaining good optical quality, can be molded into more complex shapes than glass. GM concluded that the combined effect of the more aerodynamic designs possible with plastic glazing and the reduced weight will lower a vehicle's fuel consumption.

GM acknowledged that Tests 17, Abrasion Resistance (Plastics), and 18, Abrasion Resistance (Safety Glass), of ANSI Z26 indicate that plastics are not as abrasion resistant as glass. However, GM suggested that concerns about the abrasion resistance of plastic glazing may not be well founded, asserting that some evidence shows that Tests 17 and 18 "are not necessarily predictive" of how glazing will perform under actual use conditions. In support of its assertion, GM attached a summary of a study performed by a plastics supplier on a 1988 GM Pontiac Fiero GT sail panel. The sail panel extends rearward from a position between the rearmost side window and the rear or back window. The panel was made of abrasion-resistant coated Plexiglas Resin. GM stated that in the study the haze of a six year old sail panel was measured and compared to the haze of a new replacement part. GM concluded that after six years, during which time the Fiero was driven over 41,000 miles, "the haze increased from 0.49% to 0.87%, a difference of only 0.38%."